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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/678,523 | 10/03/2003 | Sorel Horovitz | MP0267 | 1345 |
| 44990 7590 05/13/2009 KENYON & KENYON LLP 333 W. SAN CARLOS STREET SUITE 600 SAN JOSE, CA 95110-2731 | | | EXAMINER DO, CHAT C | |
| | | | ART UNIT 2193 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Frank L. Bernstein
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333 West San Carlos Street
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San Jose, CA 95110

In re Application of:
Sorel HOROVITZ
Application No. 10/678,523
Filed: October 3, 2003
For: METHOD AND APPARATUS FOR
FINDING THE NEXT FREE BIT IN A
REGISTER

DECISION GRANTING
PETITION TO RESET
PERIOD FOR REPLY

This is a decision on the petition, filed on 26 November 2008, requesting that the shortened statutory period for reply set forth in the Office communication mailed on 14 April 2008 be restarted.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In support of the petition, the petitioner stated that the Office communication mailed 14 April 2008 was never received by applicants and stated applicant's representative only discovered the Office communication from checking the status of the application in PAIR on 02 September 2008. Further, the petitioner provides a statement attesting to the fact that a search of the file jacket and docket record indicated that the Office communication was not received. The petitioner supplied copies of the monthly docket printouts for the dates surrounding July 14, August 14 and September 14 and copies of the two Patent Jacket Data Sheets for the application showing that the Office communication was never received by applicant's representative. The docket printouts show no entry reflecting receipt of the Office communication on or about 14 April 2008.

For the above-stated reasons, the petition is **GRANTED**. Accordingly, the shortened statutory period that was originally set forth in the Office communication mailed on 14 April 2008 is hereby reset to run FROM THE DATE OF 02 September 2008 (the date which the petitioner checked the status of the application in PAIR became aware of the Office Action of 14 April 2008).

Since the shortened statutory period has been reset to run from 02 September 2008, the fee (\$1100.00) for three-month extension of time is not required. The amount of \$1100.00 will be credited to Deposit Account No. 11-0600.

Any inquiry concerning this decision should be directed to the undersigned whose telephone is (571) 272-3613.

/Vincent N. Trans/
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